

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Curt Hébert, Jr., Chairman;
William L. Massey, Linda Breathitt,
and Pat Wood III.

California Independent System Operator
Corporation

Docket No. ER01-1522-001

ORDER DENYING LATE INTERVENTION AND DISMISSING REQUEST FOR
REHEARING

(Issued June 7, 2001)

In this order, we deny the motion by Aera Energy, LLC (Aera) and the Cogeneration Association of California (CAC) to intervene out-of-time in this proceeding and dismiss their request for rehearing of the Commission's letter order issued on April 25, 2001 in this docket.¹

Background

On March 13, 2001, the California Independent System Operator Corporation (ISO) filed an unexecuted meter service agreement (MSA) with Aera in this docket, which the Commission accepted in its April 25 letter order. On April 30, 2001, Aera and CAC filed a motion to intervene out-of-time in Docket No. ER01-1522-000. Subsequently, on May 10, 2001, Aera and CAC filed a request for rehearing of the April 25 letter order. In their request for rehearing, Aera and CAC explain that they had timely intervened in Docket No. ER01-1531-000, and that the MSA proceeding should be held in abeyance until the related case is decided, which they assert is interdependent with Docket No. ER01-1522-000. As discussed below, we deny Aera and CAC's motion to intervene out-of-time and dismiss their subsequent request for rehearing.

¹Ameren Operating Co., et al., unpublished letter order, issued April 25, 2001 under Docket No. ER01-1431-000, et al. (April 25 letter order).

Discussion

Pursuant to Rule 214(d)(1) of the Commission's Rules of Practice and Procedure,² we deny the untimely motion to intervene of Aera and CAC for failure to demonstrate good cause warranting late intervention. At the time that Aera and CAC had moved to intervene in this docket, the Commission had already issued an order in both Docket Nos. ER01-1522-000 and ER01-1531-000.³ To permit Aera and CAC late intervention after issuance of the April 25 letter order would result in unjustified delay and disruption of the proceeding.⁴ Since Aera and CAC are not parties to this proceeding, they lack standing to seek rehearing of the April 25 letter order.⁵ Consequently, we will also dismiss Aera and CAC's request for rehearing.

The Commission orders:

Aera and CAC's motion to intervene out-of-time is hereby denied and their request for rehearing is hereby dismissed, as discussed in the body of this order.

By the Commission. Commissioner Wood dissented.

(S E A L)

David P. Boergers,
Secretary.

² 18 C.F.R. § 385.214(d)(1)(2000)

³ See April 25 letter order.

⁴ See, e.g., California Independent System Operator Corp., 95 FERC ¶ 61,024 (2001), reh'g pending; Southern Company Services, Inc., 92 FERC ¶ 61,167 (2000) (Southern); PJM Interconnection, LLC, 88 FERC ¶ 61,039 (1999).

⁵ 16 U.S.C. § 8251(a) (1994); 18 C.F.R. § 385.713(b)(2000); See, e.g., Southern; Consolidated Edison, Inc. and Northeast Utilities, 92 FERC ¶ 61,014 (2000), order denying reh'g, 94 FERC ¶ 61,079 (2001); Potomac Electric Power Co., et al., 93 FERC ¶ 61,111 (2000), appeal filed, sub nom. Public Service Electric and Gas v. FERC, No. 00-1503 (D.C. Cir. filed Nov. 28, 2000)(consolidated with Atlantic City Electric Co., et al v. FERC, No. 97-1097 (D.C. Cir. filed Feb. 21, 1997)).